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PTO/SB/64 (08-03)

OFFICE OF PETITIONS

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
2026-00400

First named inventor: Rama Akella

Application No.: 10/027,015

Art Unit: 3763

Filed: December 12, 2001

Examiner:

Title:

Compositions and Methods for Promoting Myocardial and Peripheral Angiogenesis

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Response to Notice of Missing Parts (identify type of reply):

☒ has been filed previously on July 2, 2002, copy enclosed.

☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/03/2004 #HUNDRE1 00000074 032769 10027015

01 FC:1453 1330.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 25, 2004

Date

  
Signature

Telephone

Number: (713) 238-8000

Marcella D. Watkins

Typed or printed name

P. O. Box 3267

Address

Houston, TX 77253-3267

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Copy of Response to File Missing Parts of Nonprovisional, Declaration of Amy Lewis.

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

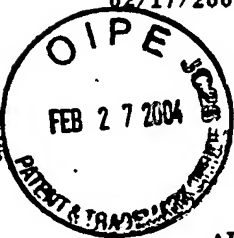
February 25, 2004

Date

  
Signature

Sandra K. Begley

Type or printed name of person signing certificate



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rama Akella et al.

SERIAL NO.: 10/027,015

FILED: December 21, 2001

FOR: Compositions and Methods for Promoting  
Myocardial and Peripheral Angiogenesis§  
§  
§  
§  
§  
§  
§

ART UNIT: 3763

**RECEIVED**  
MAR 04 2004  
OFFICE OF PETITIONS**DECLARATION OF AMY LEWIS**Atty Docket No. SBI-094  
Date: February 17, 2004Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, Amy Lewis, declares:

that she affixed proper postage on a First Class mail package containing the following: a *Response to Notice to File Missing Parts of Application* Filing Date Granted (PTO-1533) (3 p.); a *Declaration* for Patent Application signed by John Ranieri (2 p.); and a *Declaration* for Patent Application signed by Rama Akella (2 p.) and placed the package in the mail receptacle Tuesday, July 2, 2002, prior to the time for the last pickup of mail, that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Amy Lewis

Date: February 17, 2004

TO THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Please stamp and return to our office. Thank you.

Mailed: July 2, 2002  
My File: SBI-091  
Applicant: Akella et al  
Filing Date: 12/21/2001  
Serial No.: 10/027,015  
Title: COMPOSITIONS AND METHODS FOR  
PROMOTING MYOCARDINAL AND PERIPHERAL  
ANGIOGENESIS

**Enclosed:** Response to Missing Parts Dated February 14, 2002, 2-  
Month Extension of Time, Executed Assignment and  
Declaration, and Recordation.

COPY

19

<b>Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(LargeEntity)</b>		<b>Docket No. SBI-091</b>	
In Re Application Of: Akella, et al.		<b>RECEIVED</b> <b>MAR 04 2004</b>	
Serial No. 10/027,015	Filing Date 12/21/2001	Examiner <b>OFFICE OF PETITIONS</b>	Sup Art Unit 3763
Invention: <b>COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS</b>			
<p style="text-align: center;"><u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u> <u>Box Missing Parts</u></p> <p>This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on <u>2/14/2002</u> Date</p> <p>Enclosed herewith for filing are the following:</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). <b>(REQUIRED)</b></li><li><input checked="" type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.</li><li><input type="checkbox"/> A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.</li><li><input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.</li><li><input type="checkbox"/> A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.</li><li><input type="checkbox"/> Other (list): <div style="border: 1px solid black; height: 150px; width: 100%; margin-top: 5px;"></div></li></ul>			

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
SBI-091

In Re Application Of: Akella, et al.

Serial No.  
10/027,015

Filing Date  
12/21/2001

Examiner

Group Art Unit  
3763

Invention:

**COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

☒ Completion of application fees as calculated below:

☐ Utility application filing fee

☐ Design application filing fee

☐ Total number of independent claims = \_\_\_\_\_

☐ Total number of claims = \_\_\_\_\_

☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$130.00

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees \$130.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month    ☐ Two months    ☒ Three months    ☐ Four months    ☐ Five months

from: 4/15/2002                      until: 7/15/2002  
Date    Date

Total time extension fees \$920.00

Total fees due \$1,050.00

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.  
SBI-091

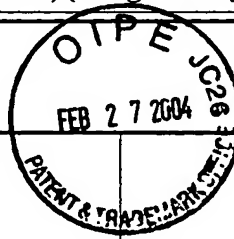
In Re Application Of: Akella, et al.

Serial No.  
10/027,015

Filing Date  
12/21/2001

Examiner

Group Art Unit  
3763



Invention:

**COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of \$1,050.00 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0473.  
A duplicate copy of this sheet is enclosed.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.  
A duplicate copy of this sheet is enclosed.

  
Signature

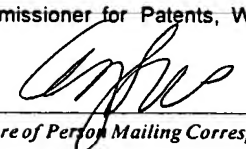
Timothy L. Scott  
Reg. No. 37,931  
Centerpulse USA Inc.  
3 East Greenway Plaza, Suite 1600  
Houston, Texas 77046

Phone: 713/561-6374  
Fax: 713/561-6380

Dated: July 2, 2002

CC:

I certify that this document and fee is being deposited  
on July 2, 2002 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

  
Signature of Person Mailing Correspondence

Amy Lewis

Typed or Printed Name of Person Mailing Correspondence



## DECLARATION FOR PATENT APPLICATION

As one of the below named inventor(s), I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe the named inventor(s) to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS, (Atty. Docket # SBI-091), the specification of which is attached hereto.

I believe I am a joint inventor of the subject matter claimed.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, SEC. 1.56(a).

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, with power of substitution:

David S. Wise, Reg. No. 30,511  
Kenneth S. Barrow, Reg. No. 36,085  
Timothy L. Scott, Reg. No. 37,931  
Christopher R. Kirby, Reg. No. 39,249  
Philip S. Lyren, Reg. No. 40,709

Address all correspondence and telephone calls to:

Timothy L. Scott, Senior Intellectual Property Counsel  
CENTERPULSE USA INC.  
3 East Greenway Plaza, Suite 1600  
Houston, Texas 77046  
(713) 561-6374  
FAX (713) 561-6380

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.



**DECLARATION SIGNATURE SHEET**

---

**Date****Citizenship: USA**

5/31/02

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**Date****Citizenship: USA**

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---

**Inventor's Signature****Rama Akella****Residence: 8811 Splittarrow Drive  
Austin, Texas 78717**

---

**Inventor's Signature****John Ranieri****Residence: 156 Westminster Drive  
Atlanta, Georgia 30309**

---

## DECLARATION FOR PATENT APPLICATION

As one of the below named inventor(s), I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

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DECLARATION SIGNATURE SHEET

June 26, 2002  
Date

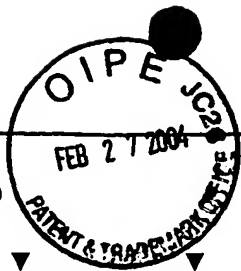
Citizenship: USA

Akella  
Inventor's Signature  
Rama Akella  
Residence: 8811 Splitarrow Drive  
Austin, Texas 78717

                      
Date

Citizenship: USA

                      
Inventor's Signature  
John Ranler  
Residence: 156 Westminster Drive  
Atlanta, Georgia 30309

Docket No.: SBI-091FORM PTO-1595 (Modified)  
(Rev. 03-01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
P08A/REV03

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

## PATENTS ONLY

Tab settings → → → ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Rama Akella  
John Ranieri

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

Name: Sulzer Biologics Inc.Address: 12024 Vista Parke DriveCity: AustinState/Prov.: TXCountry: USAZIP: 78726

Additional name(s) &amp; address(es)

☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_Execution Date: 6/26/2002

## 4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.

Filing date

10/027,01512/21/2001

B. Patent No.(s)

Additional numbers

☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Timothy L. ScottRegistration No. 37,931Address: CENTERPULSEUSA INC.3 East Greenway Plaza, Suite 1600City: HoustonState/Prov.: TXCountry: USAZIP: 77046

## 6. Total number of applications and patents involved:

17. Total fee (37 CFR 3.41):.....\$ 40.00☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☒ Authorized to be charged to deposit account

## 8. Deposit account number:

09-0473

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Timothy L. Scott

Name of Person Signing

Timothy L. Scott

Signature

July 2, 2002

Date

Total number of pages including cover sheet, attachments, and

X5

## ASSIGNMENT

In consideration of our technology purchase agreement(s) or employee agreement(s) with SULZER BIOLOGICS INC., and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Rama Akella, resident of Austin, Texas, and John Ranieri, resident of Atlanta, Georgia, hereby severally assign, transfer, and deliver to SULZER BIOLOGICS INC., a New Jersey corporation, having offices at Austin, Texas, U.S.A., its successors and assigns (collectively referred to as "SULZER BIOLOGICS"), the entire right, title and interest throughout the world to and in our invention COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS, (Attorney Docket #SBI-091), the application for United States patent on the invention signed on 5/31/02 as well as all continuations and divisions of that application, and all patents granted on that and any other application(s) on the invention(s) in the United States and elsewhere, together with the exclusive right to make application for patents and similar protection, reissues, renewals and extensions on the invention(s) in the U.S. and foreign countries, and we hereby request the U.S. Commissioner of Patents and Trademarks and the corresponding official(s) having the authority to issue patents in any foreign country(ies) to issue patents on the invention(s) to SULZER BIOLOGICS. We confirm that we have not made any agreement in conflict with this Assignment. We promise and agree that we will promptly sign and deliver such other documents, provide such evidence and other information within our knowledge or belief, and do all other relevant things that SULZER BIOLOGICS may reasonably deem necessary or desirable and request of us in connection with obtaining or maintaining any of the patents, or in connection with any proceeding, controversy or litigation pertaining to any of the applications or patents, or in order to perfect, protect or enforce SULZER BIOLOGICS ownership of the right, title and interest conveyed by this Assignment, or in connection with any other matter relating to or arising out of this Assignment, and that we will do all of these things without need for further payment of money or other consideration to ourselves on the understanding

that SULZER BIOLOGICS will bear all reasonable expenses actually incurred for or in connection with such matters. This Assignment and the obligations we have assumed by signing this document shall be binding on our respective legal representatives.

\_\_\_\_\_  
Date

5/31/02  
\_\_\_\_\_  
Date

Inventor's Signature

Rama Akella

  
\_\_\_\_\_  
Inventor's Signature  
John Ranieri

## ASSIGNMENT

In consideration of our technology purchase agreement(s) or employee agreement(s) with SULZER BIOLOGICS INC., and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Rama Akella, resident of Austin, Texas, and John Ranieri, resident of Atlanta, Georgia, hereby severally assign, transfer, and deliver to SULZER BIOLOGICS INC., a New Jersey corporation, having offices at Austin, Texas, U.S.A., its successors and assigns (collectively referred to as "SULZER BIOLOGICS"), the entire right, title and interest throughout the world to and in our invention COMPOSITIONS AND METHODS FOR PROMOTING MYOCARDIAL AND PERIPHERAL ANGIOGENESIS, (Attorney Docket #SBI-091), the application for United States patent on the invention signed on 6/24/02 as well as all continuations and divisions of that application, and all patents granted on that and any other application(s) on the invention(s) in the United States and elsewhere, together with the exclusive right to make application for patents and similar protection, reissues, renewals and extensions on the invention(s) in the U.S. and foreign countries, and we hereby request the U.S. Commissioner of Patents and Trademarks and the corresponding official(s) having the authority to issue patents in any foreign country(ies) to issue patents on the invention(s) to SULZER BIOLOGICS. We confirm that we have not made any agreement in conflict with this Assignment. We promise and agree that we will promptly sign and deliver such other documents, provide such evidence and other information within our knowledge or belief, and do all other relevant things that SULZER BIOLOGICS may reasonably deem necessary or desirable and request of us in connection with obtaining or maintaining any of the patents, or in connection with any proceeding, controversy or litigation pertaining to any of the applications or patents, or in order to perfect, protect or enforce SULZER BIOLOGICS ownership of the right, title and interest conveyed by this Assignment, or in connection with any other matter relating to or arising out of this Assignment, and that we will do all of these things without need for further payment of money or other consideration to ourselves on the understanding

that SULZER BIOLOGICS will bear all reasonable expenses actually incurred for or in connection with such matters. This Assignment and the obligations we have assumed by signing this document shall be binding on our respective legal representatives.

6/26/02  
Date

  
Inventor's Signature

Rama Akella

\_\_\_\_\_  
Date

\_\_\_\_\_  
Inventor's Signature

John Ranieri